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June 1, 2017

<u>VIA ECF</u>
Magistrate Judge A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: Francisco Rodriguez and Aristides Alfredo Dillatoro v. Ridge Pizza Inc.
d/b/a Alfredo's Pizzeria, et. al.
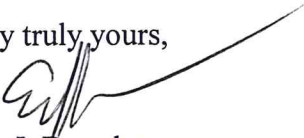Case No.: 2:16-cv-00254 (DRH)(AKT)**

Dear Magistrate Judge Tomlinson:

We are the attorneys for defendants in the action and write pursuant to your individual rule I(D) to request an adjournment of (a) the June 8, 2017 date to file a discovery report and (b) the June 13, 2017 date for a discovery status conference.

The Court's prior scheduling order dated March 10, 2017 provided for a discovery conference on June 13, 2017. The Court's rules provide for a discovery report to be filed five days in advance thereof. Plaintiffs have made a motion to amend the complaint pursuant to your Honor's order of May 15, 2017. Given the pendency of this motion, we believe that it would be premature to require a discovery report and hold a discovery conference. The current status of discovery is that interrogatories and document demands have been propounded by and responded to by both sides. If the pleading is permitted to be amended, further written discovery is contemplated to be propounded by defendants to address the new material in the proposed amended complaint.

No prior request for an adjournment of these dates has been made. We have requested the consent of the attorneys for plaintiffs. In response thereto he neither consented nor refused consent. We propose that the dates for the report and the conference be determined by the Court after the motion has been decided. Thank you for your consideration of this request.

Very truly yours,

Eric J. Bressler

EJB/aml
Cc: Steven J. Moser, Esq. (via ecf)